

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re: **Case No. 16-70246 LAS**

Chapter 7
JOSEPH G. KELLEY CONSTRUCTION MANAGEMENT
Debtor.

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**TRUSTEE’S APPLICATION IN SUPPORT OF ORDER
RETAINING GENERAL COUNSEL TO THE TRUSTEE**

**TO: THE HONORABLE SCARCELLA
UNITED STATES BANKRUPTCY JUDGE:**

Robert L. Pryor (the “Trustee”), Chapter 7 trustee of the above bankruptcy estate (“Estate”), in support of the application (the “Application”) for an order retaining general counsel to the Trustee, respectfully represents as follows:

1. On January 21, 2016, (the “Filing Date”), Debtor filed a voluntary petition for relief from creditors under Chapter 7 of the Bankruptcy Reform Act of 1978, as amended (the “Bankruptcy Code”).
2. The first meeting of creditors, in accordance with Section 341(a) of the Bankruptcy Code, was held on February 23, 2016, at which time Robert L Pryor qualified as permanent trustee.
3. The Debtor was in the business of building homes as a General Contractor. Legal counsel is necessary to analyze the Debtor’s books and records, and the Debtor’s business transactions to determine the ability to recover assets and to bring appropriate avoidance actions.
4. Legal counsel is required in this case (i) to prepare such pleadings, motions, applications, notices, orders and other legal papers as are or may be required by the Trustee; (ii) to assist the Trustee in the identification, marshaling and liquidation of all of the assets of the Estate; and (iii) to perform such other legal services as may be required by the Trustee and which are in the best interests of the Estate and the creditors.

5. The Trustee has selected Pryor & Mandelup, L.L.P, because the members of said firm have considerable knowledge of the applicable law and significant experience in practice before this Court.

6. The Trustee seeks the approval of this Court of his retention of Pryor & Mandelup L.L.P. as general counsel to the Trustee, under a general retainer arrangement as outlined in the attached affidavit of Robert L. Pryor

7. There has been no prior application for the relief requested herein.

WHEREFORE, Applicant respectfully requests that the Order be signed and entered by the Court and for such other relief as is just and proper.

Dated: Westbury, New York
February 26, 2016

s/Robert L. Pryor
Robert L. Pryor
Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
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**Case No. 16-70246 LAS
Chapter 7**

**JOSEPH G. KELLEY CONSTRUCTION MANAG
Debtor.**

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AFFIDAVIT OF PROPOSED GENERAL COUNSEL

STATE OF NEW YORK)
 ss:
COUNTY OF NASSAU)

Robert L. Pryor, being duly sworn, deposes and says:

1. I am an attorney and counselor at law, duly admitted to practice in the State of New York and before this Court.
2. I am a member of the law firm of Pryor & Mandelup, L.L. P. which maintains an office for the practice of law at 675 Old Country Road, Westbury, New York 11590.
3. To the best of my knowledge, information and belief, neither I nor any member or associate of my law firm has any connection with the Debtors or any other party in interest herein.
4. Both Pryor & Mandelup, L.L.P. and the undersigned represents no interest adverse to those of the Trustee or the estate of the Debtor in the matters upon which my firm is to be engaged and both and the undersigned are disinterested persons as such term is defined in 11 U.S.C. §101(14).
5. The undersigned is the attorney who will bear primary responsibility for the representation for which authority is sought herein.

6. The undersigned has read and is generally familiar with: (i) the Bankruptcy Reform Act of 1978, as amended; (ii) the Federal Rules of Bankruptcy Procedure; and (iii) the Local Rules of the United States Bankruptcy Court for the Eastern District of New York.

7. Pryor & Mandelup, L.L.P. is competent to represent the interests of the Trustee in the estate of the above-captioned Debtor in all actions now pending or which may reasonably be expected to be commenced in connection with the turnover of property of the Debtor's estate and other causes of action. Pryor & Mandelup, L.L.P., subject to subsequent approval of any fee application by this Court, will perform the foregoing services for the Trustee at its usual and customary billing rates which at the present time are as follows: from \$425.00 to \$495.00 per hour for the services of partners; from \$250.00 to \$360.00 per hour for the services of associates. Additionally, will seek reimbursement of all reasonable and necessary out of pocket disbursements including but not limited to long distance phone calls, photocopying, messenger services and facsimile charges.

WHEREFORE, the Trustee respectfully requests that the Order be signed and entered by the Court and for such other relief as is just and proper.

s/Robert L. Pryor
Robert L. Pryor

Sworn to before me this
26th day of February 2016

s/Michael Anthony Farina
Notary Public
MICHAEL ANTHONY FARINA
Notary Public, State of New York
No. 02FA4991473
Qualified in Queens County
Commission Expires Feb. 3, 2018